

TENTATIVE RULINGS for CIVIL LAW and MOTION

May 11, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Coy v. R&S Architectural Products, Inc.**

Case No. CV CV 08-2020

Hearing Date: **May 11, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff William Coy's and cross-defendants' ASAP Hollow Metal Doors, Inc.'s, Carrie Wright's and Brad Coy's motion for protective order regarding the deposition subpoenas served on the custodian of records for ASAP Hollow Metal Doors, Inc., Carrie Wright and Brad Coy is **GRANTED IN PART** as follows:

1. Plaintiff and cross-defendants shall produce all business records ("item, collection, or grouping of information about a business entity") responsive to request numbers 26 through 51, that refer or relate to R&S Pass Door Division and ASAP Hollow Metal Doors, Inc., except any business records that contain ASAP Hollow Metal Doors, Inc. trade secret information, as that term is defined in Civil Code section 3426.1, subdivisions (d)(1) & (2). (*Urban Pac. Equities Corp. v. Superior Court* (1997) 59 Cal.App.4th 688, 692-693.) ASAP Hollow Metal Doors, Inc.'s business records that contain trade secrets are protected under Civil Code sections 3426.1 et seq. and need not be produced.
2. Plaintiff and cross-defendants need only prepare and serve one complete set of responses to the three duplicative deposition subpoenas. However, that set of responses shall be prepared by and verified by William Coy, Brad Coy and Carrie Wright.
3. Given plaintiff's and cross-defendants' reported confusion over the meaning of the phrase "prospective customers" included in requests numbers 31 through 36, the Court, for the purpose of clarification, defines "prospective customers" as follows: "Any person or entity that R&S Pass Door Division prepared bid(s) or estimate(s) for during the period January 1, 2008 to December 12, 2008, that R&S Pass Door Division has not performed work for during the five years prior to January 1, 2008." (Code Civ. Proc., § 2019.030.)

Cross-defendants shall serve their verified responses to the business records deposition subpoenas together with all responsive documents by May 14, 2009.

The Court notes that the subject deposition subpoenas are the first discovery requests served in this action, and already a discovery dispute has arisen. In light of the fact that the cross-complaint concerns the misappropriation of trade secret information, the Court anticipates that there will be future motions for protective orders filed in response to future discovery requests. Given the strong likelihood that additional discovery disputes will arise concerning the discovery of trade secret information, the Court strongly recommends that the parties consider stipulating to the appointment of a discovery referee to hear and determine all future disputes concerning the discovery of trade secret information.

If no hearing is requested, the tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Gonzalez v. Guevara

Case No. CV UD 09-783

Hearing Date: May 11, 2009 Department Fifteen 9:00 a.m.

The demurrer to the complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., §§ 430.10, subd. (e) and 1161(2).) Exhibit 2 to the complaint shows that the three-day notice the plaintiff served on the defendant fails to state the name, telephone number, and address of the person to whom the rent payment must be made, as required by Code of Civil Procedure section 1161(2).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Soria v. Tong

Case No. CV PM 08-1182

Hearing Date: May 11, 2009 Department Fifteen 9:00 a.m.

The unopposed motion for order to transfer action for coordination is **GRANTED**. (Code Civ. Proc., §§ 403 and 404.1; Cal. Rules of Court, rule 3.500.) Common questions of law and facts significant to each of the actions at issue exist. There is a danger of inconsistent findings concerning each defendant's responsibility for the plaintiff's claimed injuries if the actions are litigated separately. The actions do not appear to be complex. The factors listed in California Rules of Court, rule 3.500(d)(1) through (d)(5) and (d)(7) through (d)(8) favor transfer and coordination. (Declaration of Amiel Jaramillo and exhibits thereto.)

Plaintiff is to take all actions necessary to complete the transfer and coordination.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

**Case: Wiscombe v. Gilmore
Case No. CV CV 07-1142**

Hearing Date: May 11, 2009 Department Fifteen 9:00 a.m.

This matter is continued on the Court's own motion to Monday, June 1, 2009, at 9:00 a.m. in Department Fifteen.